

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**GILBERT JAMES,**

**Plaintiff,**

**v.**

**Civil Action No. 3:11cv00221**

**ENCORE CAPITAL GROUP, INC., *et al.***

**Defendants.**

**JOINT MOTION TO EXTEND CERTAIN PRETRIAL DEADLINES**

Plaintiff, Gilbert James (“Plaintiff”), by counsel, and Defendants, Encore Capital Group, Inc., Midland Funding, LLC, and Midland Credit Management, Inc. (collectively, the “Midland Defendants”), by counsel, hereby submit this Joint Motion to Extend Certain Pretrial Deadlines.

As this Court is aware, the parties are currently engaged in significant discovery efforts and related motions practice. Following the continuance of the initial trial date, the Parties proposed competing revised scheduling plans that envisioned different pre-trial discovery, motions and disclosure deadlines. However, with some of the discovery disputes still pending for disposition the Court instructed the Parties to continue to work through these disputes and did not then enter a supplemental schedule.

However, it is possible that the earlier “Exhibit A” schedule entered on commencement of the case would by default trigger new deadlines calculated from the current May 7, 2012 trial date. The Parties file this motion to clarify, or as appropriate request, that the supplemental or new deadlines be enlarged to the schedule proscribed in the attached proposed Order. These dates would not impede the current trial date and are proposed by agreement.

The Parties and judicial process will benefit from the proposed schedule and enlargement for certain briefs as it will allows the Parties to continue their attempts to reach agreement on

some of the outstanding discovery issues. Further, the additional time will permit the Parties a fair opportunity to complete attempted discovery and depositions already served on dates that will accommodate third party deponents, and as appropriate to continue production. Finally, though it is not yet certain as to whether such path will remain viable, the Parties are engaged in a second track of negotiation, including an earlier trip to Atlanta and a schedule meeting next week in San Diego, to determine if a reasonable settlement path is possible. Counsel for the Parties has continued to update and advise Judge Lauck, who has an offline, but complete picture of such efforts. The Parties expect to know by late next week if such an effort would be viable.

The deadlines sought to be extended by the parties are set forth in the attached proposed Order, and no discovery shall be extended beyond April 13, 2012. A copy of the proposed Order with original signatures of counsel will be tendered to the Court forthwith.

WHEREFORE, Plaintiff, Gilbert James, and Defendants, Encore Capital Group, Inc., Midland Funding, LLC, and Midland Credit Management, Inc., respectfully request that the Court: (1) grant their Motion to Extend Certain Pretrial Deadlines; (2) enter the proposed Order attached hereto; and (3) grant the parties such other and further relief as is appropriate.

**GILBERT JAMES**

By: /s/

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**ENCORE CAPITAL GROUP, INC.,  
MIDLAND FUNDING, LLC and  
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By: /s/ \_\_\_\_\_

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